

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHERINE TRURAN,

Plaintiff,

vs.

Civil Action No:
Hon.

BIRD RIDES, INC.,

Defendant.

COLLEEN V. KAVANAUGH (P35110)
Attorney for Plaintiff
30300 Northwestern Highway
Suite 117
Farmington Hills, MI 48334
(248) 932-0100
cvkavanaugh@hotmail.com

COMPLAINT

NOW COMES the Plaintiff, KATHERINE TRURAN, by and through her attorney, COLLEEN V. KAVANAUGH, and complains against the above-named Defendant, BIRD RIDES, INC., as follows:

1. That Plaintiff, KATHERINE TRURAN, is now, and at all times relevant hereto was a resident of the City of Farmington Hills, County of Oakland, State of Michigan.
2. That the Defendant, BIRD RIDES, INC., is a corporation, doing business in the City of Detroit, County of Wayne, State of Michigan, with its registered agent located in Los Angeles, California.
3. That the amount in controversy exceeds the jurisdictional limit of Twenty-Five Thousand (\$25,000.00) Dollars, exclusive of costs, interest and attorney fees.

4. That on or about September 8, 2019, at approximately 2:00 p.m., the Plaintiff, KATHERINE TRURAN, rented a Bird scooter in the City of Detroit, County of Wayne, State of Michigan.

5. That shortly after Plaintiff got on the Bird scooter, the handlebars fell off of the body of the scooter, causing Plaintiff to suddenly fall and sustain injuries on a cement bike path.

6. That the Defendant, BIRD RIDES, INC., owed a duty to the Plaintiff, KATHERINE TRURAN, and all others similarly situated, to maintain the scooter in a manner reasonably fit, safe, and convenient for use by the public, and to otherwise obey and abide by the statutes and the common laws of the State of Michigan.

7. That notwithstanding said duty, the Defendant, BIRD RIDES, INC., breached said duties in the following ways, which are set forth by way of illustration only, and not by way of limitation:

- a. Failing to inspect the subject scooter;
- b. Failing to warn Plaintiff and all others similarly situated of the dangerous and hazardous condition existing therein;
- c. Failing to repair the subject scooter;
- d. Failing to maintain the subject scooter in a manner reasonably safe, fit and convenient for the use of the public.

8. That Defendant, BIRD RIDES, INC., knew or in the exercise of reasonable diligence should have known, of the existence of the defective and unsafe scooter, and had a reasonable time to repair the subject scooter before the injury took place.

9. That as a direct and proximate result of the aforementioned acts of the Defendant, BIRD RIDES, INC., Plaintiff, KATHERINE TRURAN, was caused to and did suffer grievous bodily injuries, including, but not limited to:

- a. Acute, comminuted and displaced fracture of the distal radius;
- b. Displaced ulnar styloid fracture;
- c. Acute fracture of the fourth metacarpal;
- d. Permanent scarring of the face;
- e. Pain and suffering;
- f. Mental anguish, fright and shock;
- g. Denial of social pleasures and enjoyment.

10. That should it be determined at the time of trial that Plaintiff, KATHERINE TRURAN, was suffering from a pre-existing condition at the time of the aforesaid incident, that in such event, Plaintiff's pre-existing condition was precipitated, exacerbated or aggravated as a direct and proximate result of the negligence of the Defendant, BIRD RIDES, INC., as hereinbefore alleged.

11. That as a direct and proximate result of the aforesaid acts on the part of the Defendant, BIRD RIDES, INC., Plaintiff, KATHERINE TRURAN, has been required to undergo extensive medical care and treatment and as a result thereof, Plaintiff has been required to incur expenses for doctors, hospitals, medical services, caretaking services and transportation, and may, in the future, be required to undergo further medical care and treatment and incur further expenses.

12. That as a direct and proximate result of the aforementioned acts on the part of the Defendant, BIRD RIDES, INC., as hereinbefore alleged, the Plaintiff, KATHERINE TRURAN, has also suffered lost wages, past, present and future; and will also suffer a loss of her future earning capacity.

WHEREFORE, your Plaintiff, KATHERINE TRURAN, prays that this Honorable Court enter an Order of Judgment in favor of the Plaintiff and against the Defendant, BIRD RIDES, INC., for whatever sum of money that he is determined to be entitled to by the trier-of-fact in this cause, plus costs of suit, interest and attorney fees, and such other and further relief as the Court deems proper in the premises.

Respectfully submitted,

By: 

COLLEEN V. KAVANAUGH (P35110)

Attorney for Plaintiff

30300 Northwestern Highway, Ste. 117

Farmington Hills, MI 48334

(248) 932-0100, Ext. 348

cvkavanaugh@hotmail.com

Dated: September 15, 2020